

**REMARKS**

Claims 1-3, 5, and 6 are pending in this application.

**§ 103(a) Rejection of Claims 1-3 over *Cha* and *Masahiko***

Applicants respectfully traverse the rejection of claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,720,296 to *Cha* ("*Cha*") in view of Japanese Patent Application Publication No. 11-113870 to *Masahiko* ("*Masahiko*") because a *prima facie* case of obviousness has not been established. .

To establish a *prima facie* case of obviousness under § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Moreover, both of these requirements must be found in the prior art, not in applicant's disclosure. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143 (8th ed., Rev. 4, October 2005):

Claims 1-3 are allowable over *Cha* for at least the reason that *Cha* fails to teach or suggest each and every element of independent claim 1, from which claims 2 and 3 depend. For example, *Cha* does not teach or suggest display equipment comprising, inter alia, "means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight," as recited in claim 1.

*Cha* teaches an “apparatus for analyzing the body composition,” including “a plurality of electrodes E1-E8 for contacting with a right palm, a right thumb, a left palm, a left thumb, a right front sole, a right rear sole, a left front sole, and a left rear sole respectively” (col. 5, lines 16-23). The apparatus also includes “an impedance measuring instrument 11 for measuring the impedance . . . by reading the voltage difference between two electrodes”; “an electronic switch 10 . . . to select electrical connections between the electrodes E1-E8 and the impedance measuring instrument 11”; “a weight measuring sensor 18 for measuring the body weight of the person”; “a keyboard 15 for inputting the body height, age and sex of the person”; a “microprocessor 14 for controlling the electronic switch 10 and for processing the data received from the impedance measuring instrument 11 and the keyboard 15”; and “a display unit 16 for displaying the processed results (col. 5, lines 24-45). “Based on the impedances, the body height, weight, age and sex which are stored in the micro-processor 14, . . . the amount of the body fluid (TBW), the fat free mass (FFM), the body fat proportion (% BF), and the body fluid distribution inside and outside the cells are analyzed . . . [and] displayed” (col. 7, lines 45-51).

However, an apparatus for displaying the amount of body fluid, fat free mass, body fat proportion, and body fluid distribution does not constitute “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in claim 1 (emphasis added). Neither the amount of body fluid, fat free mass, body fat proportion, nor body fluid distribution constitutes a “somatotype” of the body as recited in claim 1.

*Masahiko* does not make up for the deficiencies of *Cha* because *Masahiko* also does not teach or suggest “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in claim 1.

*Masahiko* teaches a body fat measuring device having a belt (112) by which are arranged electrodes (101a-101h) for impedance measurement (paragraph [0029]). The perimeter of a living body cross section (100) is equipped with the electrodes (101a-101h) for impedance measurement (paragraph [0021]). “[T]he living body cross section 100 assumes an abdomen, a femoral region, or the overarm section of the body, etc.” (paragraph [0021]). The electrodes (101a-101h) are connected to measurement means (102), which is constituted so that impedance information may be outputted to operation means (103) (paragraph [0021]). “The measurement means 102 measures two inter-electrode impedances sequentially from the inside of an electrode 101, and generates the matrix of the impedance in the living body cross section 100” (paragraph [0022]). “The output of the operation means 103 is outputted from the display means 105” (paragraph [0021]).

However, a body fat measuring device also does not constitute “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in claim 1 (emphasis added). Computing a fat distribution of a body does not constitute judging a “somatotype” of the body as recited in claim 1.

Thus, *Cha* and *Masahiko* fail to teach or suggest, alone or in combination, “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in claim 1.

Moreover, there is not any suggestion or motivation for one of ordinary skill to have combined *Cha* and *Masahiko* as proposed by the Examiner, to derive display equipment comprising, inter alia, “a belt including a plurality of electrodes in contact to the surface of the body” and “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in independent claim 1.

The Examiner alleges that “it would have been obvious to modify *Cha* with a display means comprising a belt having a plurality of electrodes as taught by *Masahiko* since such modification would provide a sensing means to measure impedance of the body in addition to determining the fitness and body composition of the user” (Office Action, page 4, paragraph 1).

However, there is no motivation to combine the references as proposed by the Examiner for at least the reason that the apparatus of *Cha* already comprises “a plurality of electrodes E1-E8 for contacting with a right palm, a right thumb, a left palm, a left thumb, a right front sole, a right rear sole, a left front sole, and a left rear sole respectively” (col. 5, lines 16-23) and “an impedance measuring instrument 11 for measuring the impedance . . . by reading the voltage difference between two electrodes” (col. 5, lines 24-28; emphasis added). Therefore, one of ordinary skill would

not have been motivated to combine the additional impedance-measuring device of *Masahiko* with the impedance-measuring device of *Cha* absent any suggestion or motivation to make this seemingly redundant combination.

Thus, since *Cha* and *Masahiko* fail to teach or suggest, alone or in combination, each and every element of independent claim 1, and since there is also no suggestion or motivation to combine the cited references as proposed by the Examiner, claim 1 and claims 2 and 3, which depend therefrom, are allowable over *Cha* and *Masahiko* under § 103(a).

**§ 103(a) Rejection of Claims 5 and 6 over *Cha*, *Masahiko*, and *Browner***

Applicants respectfully traverse the rejection of claims 5 and 6 under 35 U.S.C. § 103(a) as unpatentable over *Cha* and *Masahiko* in view of U.S. Patent No. 2,842,135 to Browner ("*Browner*") because a *prima facie* case of obviousness has not been established.

As explained above, *Cha* and *Masahiko* fail to teach or suggest, alone or in combination, "means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight," as recited in independent claim 1.

*Browner* does not make up for the deficiencies of *Cha* and *Masahiko* because *Browner* also fails to teach or suggest "means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight," and the Examiner does not rely on *Browner* to teach or suggest any of the limitations recited in claim 1.

Moreover, as explained above, there is not any suggestion or motivation for one of ordinary skill to combine *Cha* and *Masahiko* as proposed by the Examiner to derive display equipment comprising, inter alia, “a belt including a plurality of electrodes in contact to the surface of the body” and “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in claim 1.

*Browner* does not make up for the deficiencies of *Cha* and *Masahiko* because *Browner* also fails to provide any suggestion or motivation to combine the references to derive display equipment comprising, inter alia, “a belt including a plurality of electrodes in contact to the surface of the body” and “means for judging the somatotypes of the body, which are classified on the basis of the correlations between the approximate values as calculated and the body weight,” as recited in claim 1, and the Examiner does not rely on *Browner* for any suggestion or motivation to combine the references to derive the equipment recited in claim 1.

Thus, since *Cha*, *Masahiko*, and *Browner* fail to teach or suggest, alone or in combination, each and every element of independent claim 1, and since there is also no suggestion or motivation to combine the cited references as proposed by the Examiner, claim 1 and claims 5 and 6, which depend therefrom, are allowable over *Cha*, *Masahiko*, and *Browner* under § 103(a).

### **CONCLUSION**

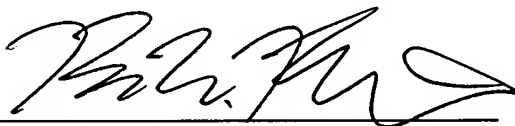
In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 23, 2007

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